

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/542,681(PCT/US2004/02890) Confirmation No. 9331
Applicant (s) : Myers, et al.
Filed : February 3, 2004
TC/A.U. : 1713
Examiner : Unknown
Title : RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC
MONOMERS
Docket No. : 43229A
Customer No. : 00109

RECEIVED
8 SEP 2006
Legal Staff
International Division
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
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September 5, 2006

DATE OF DEPOSIT

Amber K. Mobley

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Amber K Mobley

SIGNATURE OF PERSON SIGNING CERTIFICATE

September 5th, 2006

DATE OF SIGNATURE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENT TO RENEWED PETITION UNDER 37 CFR 1.181

This is a supplement to a Renewed Petition Under 37 CFR 1.181 filed July 28, 2006.

In a Notice of Missing Requirements dated 15 February 2006 we were advised that the Patent Office file was missing two inventors' signatures to the required Declaration for this Application. In our response to that Notice of Missing Requirements dated March 3, 2006, evidence was provided showing that the required Declarations signed by all inventors (each being a separate page) were submitted July 19, 2005 along with the rest of the required items. It was thereby shown by Affidavit and documentary evidence that all the necessary items had been properly and timely submitted, including the two missing

declaration pages. Unfortunately, however, at that time we had not been able to locate the date-stamped receipt confirmation postcard back from U.S. Receiving Office showing their receipt of the all Declaration pages. It was presumed that it had also been misplaced at the U.S. Receiving Office. Our response acknowledged this and requested, however, that all of the other evidence we presented be considered to establish that we had met all the 35 USC 371 requirements for the filing of our application as of 19 July 2006. There is obviously an inherent difficulty to supply a copy of a stamped receipt acknowledgment postcard if it too is misplaced at the USPTO.

We received on June 14, 2006 a DECISION ON PETITION UNDER 37 CFR 1.181 dismissing our request/petition. This DECISION indicated only that the postcard copy we had submitted (as part of our evidence of the documents that were mailed to the USPTO on July 19, 2005) was not accepted as *prima facie* evidence that the USPTO had received all the documents we had sent since it was not date stamped. In the DECISION there was no response to our request to consider that all the other evidence we had provided was sufficient and we submitted a timely Renewed Petition Under 37 CFR 1.181 on July 28, 2006.

On or about August 28, 2006 we found the missing, date-stamped receipt confirmation postcard that had been filed in the wrong case folder. We now include a copy of the recently discovered stamped postcard from the USPTO indicating receipt of all the listed items (i.e. Declaration signatures of all four inventors) for this Application by the USPTO/USRO on July 19, 2005.

Request for Refund of \$130 Surcharge

It is therefore clear that no requirements were missing in connection with the above application as submitted, as was already proven in our timely response to the Notice of Missing Parts. Applicants therefore request a credit for the \$130 Surcharge previously charged to our Deposit Account No. 04-1512 for this application. One copy of this sheet is enclosed.

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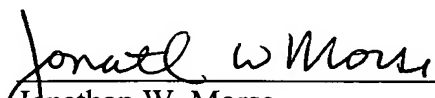
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Request for Correction of 35 USC 371(c) (1), (c) (2) and (c) (4) Filing Date

Having now established even more conclusively that all of the requirements under 35 U.S.C. 371 for the filing of this application in the United States designated/elected office (DO/EO/US) were met in a timely fashion, we also request that our filing date for purposes of 35 USC 371(c) (1), (c)(2) and (c)(4) be corrected to July 19, 2005.

Respectfully submitted,


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Midland, MI 48641-1967

akm

BEST AVAILABLE COPY

C-43229A

Received in the U.S. Receiving Office: PTO-1390 with Cover Sheet (3 sheets) for US National Phase Filing, signed Declaration (4 sheets), post card

Applicant: Dow Global Technologies Inc, Michael O. Myers, et al
International Application No.: PCT/US2004/002890
Filed: 03 February 2004
Title: RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC MONOMERS

JWM/ssp

Express Mailed: July 19, 2005

10/542681

JC01 Rec'd PCT/PTO 19 JUL 2005



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